

PATENT

Atty. Dkt. No. ROC920010079US1

REMARKS

This is intended as a full and complete response to the Final Office Action dated April 21, 2005, having a shortened statutory period for response set to expire on July 21, 2005. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-8, 10, 12-16, 20-21, 25-29 and 42-46 are pending in the application. Claims 1-8, 10, 12-16, 20-21, 25-29 and 42-46 remain pending following entry of this response.

Claims 1-8, 10, 12-21, 25-29 and 42-46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Tedesco et al.* (US 6,085,888, hereinafter *Tedesco*) in view of *Freeney, Jr.* (US 6,490,443, hereinafter *Freeney*) and further in view of Japanese patent (JP411039547A) by *Koji* (hereinafter *Koji*). Applicants respectfully traverse the rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish at least the first and third criteria.

For brevity, Applicants have restricted the scope of their arguments. However, the arguments made in the previous response (mailed on February 04, 2005) are still applicable in view of the current rejections and, accordingly, the previous response is hereby incorporated by reference.

Each of Applicants' pending claims recite a method for operating a reservation control system wherein the system, upon receiving a request from a computer, determines if the requested item is available at a vending machine, and if so, reserves the item at that vending machine.

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All Claim Limitations Not Taught

The prior art references do not teach or suggest all the claim limitations. Specifically, none of the references teach calculating a service charge based on how long an item was reserved prior to being picked up by a customer. The Examiner cites *Tedesco*, Figure 4, as teaching this element. Figure 4 is of a table containing the terms of a subscription. The subscription duration field 416, which the Examiner apparently refers to, contains "the amount of time for which the subscription is valid" (col. 5, 60-62), not a length of time an item was reserved. As described below, the subscription duration field 416 is used to calculate an expiration time/date after which the subscription is no longer valid. Further, the price of the subscription (contained in the subscription price field 414) is predetermined and charged to the user at the time of purchase, and not calculated on the basis of the length of reservation. This is described by *Tedesco* with respect to Figure 7, which describes the subscription registration process. In particular, *Tedesco* states that at step 719 the subscription expiration date is calculated using the current system date/time and the subscription duration stored in the field 416 of the subscription option table record associated with the selected subscription. Col. 7, lines 32-35. Since step 719 is performed at the subscription registration process, using the current time and the subscription duration field 416, it follows that *Tedesco* does not teach calculating a service charge on the basis of how long an item was reserved for a purchaser before being dispensed to the purchaser, which can only be done upon dispensation of the item. Therefore, the claims are believed to be allowable and Applicants respectfully request allowance of the same.

Interview Summary

During a telephonic interview, the attorney for Applicants and the Examiner discussed the *Tedesco*. Applicants pointed out that the *Tedesco* does not teach charging a service charge, as described above. The Examiner advised the attorney for Applicants to submit a written response detailing this argument for more careful consideration by the Examiner. Applicants also pointed out that claims 43-46 (newly submitted in the previous response, mailed on February 04, 2005) were not

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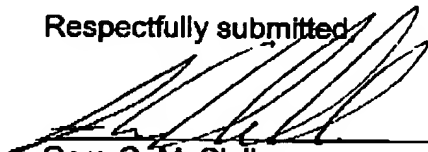
substantively addressed by the Examiner's current office action (dated April 21, 2005). During the telephonic interview the Examiner reviewed claims 43-46 and indicated that these claims were likely allowable. However, no definitive agreement with respect to allowability was reached during the interview.

Conclusion

The Applicants firmly believe that the claims are now condition for allowance. If the Examiner maintains that there are any unresolved issues preventing the application for going to issuance, the Examiner is kindly requested to call the attorney signing below for a telephone interview. Applicants desire to move prosecution forward with minimal additional delay, and an additional telephone interview may be necessary to achieve a mutual understanding of all remaining issues between the Applicants and the Examiner and avoid unnecessary appellate proceedings or continuing prosecution. Alternatively, if the Examiner believes the application is not in condition for allowance, Applicants kindly request an additional office action so that they may be given the opportunity to respond to Examiner's rejection of previously added claims 43-46.

Having addressed all issues set out in the Office Action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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